FOR MYSORE STATE

H.E.L.A. (195 6) Department.

Rt. SERIES.

G.O. No. (Rt) No.248 (L.A.)

248

Dated 5th April 1956.

[Despatch Abstract.]

LAND ACQUISITION - (South Kanara District) - Udipi Taluk - arkada Village - S.Nos.183/7 B, 9A, II/C and 188/2A - Formation road by Saligrama Panchayat - Declaration under section 6 of Land Acquisition Act - Published.

R.Dis.22864-85. S.Kanara Collector's office
Mangalore dated 27.10.85.

From

Sri V.C.Raja Ram, I.A.S.
Collector of South Kanara.

To

The Secretary to the Government,
Health, Sanitation and Local Administration Department,
Fort St.George Madras 9

Through

The Secretary to the Board of Revenue,
Land Revenue, Chepauk Madras 5
(In duplicate)

Sir,

Sub: LAND ACQUISITION (South Kanara)- Udipi taluk- Karkala village- S.No.183/7B,9A,11/C and 188/2A- Formation of Panchayat road- Draft declaration under section 6 of the L.A.Act- Proposals- Submitted.

Ref: G.O.No.780 L.A dated 30.8.85. 21-22 (5)

The draft notification under Section 4(1) of the Land ~~Acquisition Act~~ Acquisition Act was approved in this case, in the G.O cited. The said notification was published at page 385 Part I.A of the Fort St.George Gazette dated 14.9.85 as notification No.615. Thereafter enquiry under section 5A was held after serving and publishing the notices in the prescribed manner. Sri Krishnapur Mutt is the registered owner of the plot and the Mutt is represented by ~~A~~ its Manager Sri Ramakrishna Achar. In response to the notice issued, the Mutt represented by its Manager has filed an objection petition. The objection of the Mutt authorities are the following:

(1) That the Panchayat Board could have acquired the lands by private negotiations with the Mutt authorities and that the Panchayat Board without the consent of the Pattadiratni or the Executive officer of the Mutt has taken action to acquire the lands.

(ii) That the Panchayat Board has unlawfully trespassed upon the lands of the mutt and formed a road causing loss to the mutt for the past 5 years.

(iii) That the entire field S.No. 183/7 may be acquired, as the remaining portion will be rendered useless for cultivation as a pond has been dug on the southern side of the field and the other side of the field has been lowered in level.

(iv) That the compensation fixed by the Government is low and that compensation at Rs 300 per acre may be fixed.

(v) That the construction of a road as proposed by the Panchayat Board will not serve the public in any manner and

that the Panchayat Board's action in having proposed the Mutt's property for acquisition is not just and reasonable.

2. As regards the first contention of the objection petitioner it is entirely left to the discretion of the Panchayat Board either to acquire the plots by private negotiation or to resort to the L.A. proceedings. As regards the unlawful trespass under upon the lands of the Mutt the L.A officer cannot take any action. As regards the damage and loss caused on account of the entry into the plot in 1960 by the Panchayat Board the Land Acquisition Officer cannot grant compensation for such losses for the previous years, and Section 23(1) of the L.A.Act does not contemplate the Land Acquisition Officer to take such matter into consideration for determining the amount of compensation to be awarded. Para 7 in Chapter XVIII of Part III of the L.A. Manual also does not make provision for taking the petitioner's case into consideration as no damage was caused after the publication of the 4(1) notification, and there is nothing to anticipate also after the proposed acquisition. If damage or loss if any had been sustained by the Mutt authorities by the unlawful entry of the Panchayat Board on the lands of the Mutt before acquisition, it is left to them to take such action as is found suitable against the Panchayat Board and get their grievances redressed, and the Land Acquisition Officer has nothing to do in this matter. So far as the third contention that the entire extent of the field is far larger than the portion proposed to be acquired which is only 0.06 acre, there does not seem to be any justification for the acquisition of the entire field when only a portion of it is required by the Panchayat Board. The objection regarding enhancement of compensation will be dealt with by the Land Acquisition Officer at the time of the award enquiry.

3. The acquisition of the plots is for a public purpose and the objection to the acquisition is, therefore, not tenable. I therefore recommend that all the objections of the interested parties may be overruled and the draft declaration under section 6 of the Land Acquisition Act submitted herewith in duplicate may be approved and ordered to be published in the Fort St.George Gazette.

(S) -3-

The records of enquiry under section 5A of the Land Acquisition Act are enclosed for perusal and return.

Yours faithfully,

3/4

30.12.55

For Collector.

Copy to the Revenue Divisional Officer, Coondapur with records.
Copy to the President Saligrama Panchayat Board.

Acquisition for the purposes of the state. 9

Draft declaration under section 6 of the Land Acquisition Act.

The Government having been satisfied with the land specified in the schedule below has to be acquired for a public purpose, and it having already been decided that Rs.(1311-0-0) one thousand, three hundred and eleven only is to be paid out of the Saligrama Panchayat Board funds alone towards compensation to be awarded for the land, the following declaration is issued under section 6 of the Land Acquisition Act (Act I of 1894)

2. Under section 6 of the Land Acquisition Act the Governor of Madras hereby declares that the land specified in the schedule below and measuring acres (0.57) be the same a little more or less, is needed for a public purpose, to wit, for panchayat road and under sections 3 and 7 of the same act the Revenue Divisional Officer, Coondapur is appointed to perform the functions of a Collector under the Act and directed to take order for the acquisition of the said land. A plan of the land is kept in the office of the Revenue Divisional Officer, Coondapur and may be inspected at any time during office hours.

SCHEDULE.

1. District: South Kanara.

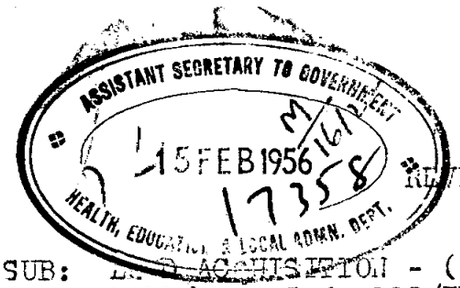
2. ~~Village: Udipi~~ Taluk: Udipi

3. Village: Karkada.

Description of land, wet or dry, inam or poramboke with survey or Paimash number.	Name of owner or occupier.	Extent to be taken up.
Ryotwari Wet II S.No.183/7B	Sri Krishnapur Mutt, Udipi represented by its manager, Sri Ramakrishna Achar, Udipi	0.06
-do- 183/9A		0.07
-do- 183/11		0.20
-do- 188/2A		0.24
	Total	0.57 acres

S.Kanara Collector's office)
Mangalore dated 21.1.56.)

22.1.56
For-Collector.



REVENUE DEPARTMENT

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SUB: L.A. ACQUISITION - (South Kanara) - Udipi Taluk - Karkada Village - S.No.183/7B, 9A, 11/ C and 188/2A - Formation of Panchayat road - Draft Declaration Submitted

Board's Ref.No.I.44/56-2

Station: Madras. Dated: 7-2-56

FROM

SRI M.V.SUBRAMANIAM I.C.S., Commissioner of Land Revenue and Development.

SRI A.SOMASUNDARAM B.A., Additional Secretary Board of Revenue

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READ: Collector South Kanara R.Dis.22364-55 dated 27-12-55.
Collector South Kanara L.Dis.2079/56 dated 21-1-56.

REFERENCE:

Submitted to the Government.

2. The Board recommends that the objections to the acquisition may be overruled and that the draft declaration under section 6 of the Land Acquisition Act submitted by the Collector of South Kanara may be approved and ordered to be published in the Fort Saint George Gazette.

G.J. Swaminathan 13.2.56

For Additional Secretary.

To The Secretary to Government,
Health Education and Local Administration Department,
With enclosures.
Copy to the Collector of South Kanara.

SA/7/2/
GPR
11/2

Copy of L.Dis.2079-56 dated 21-1-56 From the Collector of South Kanara To The Secretary to the Board of Revenue, Madras 5.

Sub: Land Acquisition (South Kanara) - Udipi Taluk - Karkada Village - S.No.183/7B,9A,11/C and 188/2A - Formation of Panchayat Road - Draft Declaration under section 6 of the L.A. Act - Submission - Revised form etc - Report submitted

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Ref: Board's Ref.I.44/56-1 dated 6.1.56.

The draft declaration under section 6 of the Land Acquisition Act is submitted herewith in duplicate in the revised form retaining the original copies, submitted in this office report R.Dis. 22364-55 dated 27.12.55.

XXX ----- XXX

Sd.XX XX XX
For Collector.

(True Copy) G.J. Swaminathan 13.2.56

For Additional Secretary

SA/7/2/
GPR
11/2/

No. 17358/56.

Rev. Sectt. 20—4,006—18-11-42.

GOVERNMENT OF MADRAS.

Received 27/5/54 194 *Registered* 194

Abstract.

Land acquisition - (South Kanara) - Udupi Taluk - Kankadabetu Village - S.Nos. 183/7B, 9A, 11/C and 188/2A - Formation of road by Saligrama Panchayat - Declaration under section 6 of the L.A. Act - Published.

REVENUE DEPARTMENT.

G.O. No. R. 248, dated the 5th April 1956.

READ—the following papers :—

1. G.O. No. 780, L.A. dated 30.8.55.
2. From the Collr. of S. Kanara, No. R. Dis. 22364-S/55, dt. 27.12.55.
3. From the Bd. of Rev., No. Ref. I. 44/56-2, dt. 7.2.56.

ORDER.

1. The objections to the acquisition are overruled

draft declaration under Section 6

The ~~erratum to the draft declaration under Section 6~~ of the Land Acquisition Act submitted by the Bd. of Rev. with his letter read above is approved and will be published ~~in English~~ in the *Fort Saint George Gazette* ~~and in the District Gazette~~.

~~draft notification under Section 48 (1)~~

~~in the~~

[P.T.O.

(By order of ~~His Excellency~~ the Governor of Madras)

CENTRAL DESPATCH BRANCH

Secretary to Government.

To the ~~Superintendent, Government Press~~, with ~~an erratum~~ ~~in diglott~~, for publication, a declaration / a notification

" ~~Board of Revenue~~,

" Collector of S. Kanara (with enclosures by R.D.

Note The recommendation of the BD. & Rev. that the objections to the acquisition may be overruled, may be accepted

Rev. may see before issue

(endowments)

~~Forwarded.~~

~~(By order.)~~

HELA No. NO 1735 P. L4/56-1. L.A

~~Superintendent.~~

Deen no 240
Page 244
~~2.5.56~~

64

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The note of HELA Dept. on pp 2 and may be perused. The objections raised against the acquisition are clear on the basis of the collector of Dumka Kanara on pp 3-4 ~~pp~~ pp 6 & 7. The Collector has and the Board of Revenue have recommended that the objections may be overruled. HELA Dept. proposes to accept the recommendation and ~~accept~~ overrule the objections. The Dept. may agree.

The objections by the Municipal authorities are frivolous and may be overruled.

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HELA

ASSISTANT SECRETARY TO GOVERNMENT
31 MAR 1956
35279
HEALTH, EDUCATION & LOCAL ADMN. DEPT.

The draft order on pp 1-2 above may receive

HELA

LCU